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SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 August 2001, at 3 p.m.

Chairperson: Mr. WEISSBRODT

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The meeting was called to order at 3 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 4) (continued)

Social forum (E/CN.4/Sub.2/2001/CRP.2 and 4)

1. Mr. BENGOA recalled that the Commission on Human Rights had decided at its fifty-seventh session to authorize the Sub-Commission to hold a forum on economic, social and cultural rights, to be known as the Social Forum (decision 2001/103). During subsequent consultations, the officers of the Sub-Commission and the Secretariat had thought that it would be a good idea to start by holding a preparatory meeting to specify the ideas, objectives, form and working methods of the Social Forum and to decide who should attend. To that end, the Sub-Commission had invited various senior figures from the economic and social fields and from international organizations to give their views on the initiative.

2. Globalization appeared to have become the defining feature of social life. Local economies had been opened to global markets, international trade rules had been defined in the international decision-making bodies, free trade agreements had been signed in many places and instantaneous communication, with its attendant advantages and threats for the most vulnerable groups, was becoming widespread. Governments were trying to align their economies and societies with global policies by lowering their customs tariffs or making labour markets more flexible. It was essential for every country to enter the twenty-first century well placed to face the global economy.

3. The globalization of markets and communications, or "top-down globalization", had to be contrasted with the globalization of economic, social and cultural rights, or "bottom-up globalization". That was actually the justification for setting up the Social Forum. Like it or not, the subject of globalization was on the agenda, as shown by the violent street demonstrations against it in the world's big cities, and a forum for debate and proposals on it needed to be opened within the international organizations.

4. The first thing to do was to define the objectives of the Social Forum. One of those objectives would be to integrate economic, social and cultural rights into macroeconomic policy decisions, decisions on controlling international trade, free trade agreements, the economic and social policies adopted by States, the decisions and policies on investment, development and trade implemented by financial institutions, transnational corporations and other players in the global economy, as well as public/private development cooperation policies. The example of environmental policies could be taken as a starting point: they had gradually been taken into account in the decisions of many international organizations and public and private enterprises. Then there would be a situation in which economic, social and cultural rights were really enforceable and had to be taken into account when a new policy was still on the drawing board and before an investment was made or an economic policy acted upon.

5. A second objective of the Social Forum might be to advance the analysis of accountability in the social sphere. While the Committee on Economic, Social and Cultural Rights played an important role in that field as far as each individual country was concerned, nothing similar existed with regard to economic decisions taken at the global level.

6. Thirdly, the Social Forum should be a home to intellectual innovation or, in other words, an accessible forum where the new economic and social development actors could express new viewpoints and come up with new proposals. As it was, some major categories of economic and social development actors had no access to international bodies and were working at other levels. It might therefore be a good idea to consider setting up a "virtual" social forum where, thanks to new communications technology, the views and proposals of thousands of people and organizations working in the field of economic and social rights could be collected before the Forum's annual session.

7. Lastly, the Social Forum should also be a home to standard-setting initiatives. The simplest way to proceed would be to ask the Sub-Commission members taking part in the Social Forum to draw up an annual report containing proposals for draft resolutions, studies or standards, which would be submitted to the Sub-Commission for approval. The Sub-Commission would study the proposals, which, once adopted, would be sent to the Commission on Human Rights and then to other standard-setting bodies in the United Nations system.

8. On the question of which subjects the Social Forum might address, he referred to the document he had prepared (E/CN.4/Sub.2/2001/CRP.2). He strongly suggested that priority should be given to analysing new forms of poverty in a globalized economy, a subject which had been widely covered by many international organizations.

9. Finally, it was perhaps as important - if not more so - to consider how to proceed as to select the objectives to be discussed. Quite apart from the fact that the Social Forum should be as open as possible, it would appear difficult to achieve satisfactory results if the Social Forum was held at the same time as the session of the Sub-Commission. The Commission should therefore be urged to agree that it should be held between sessions of the Sub-Commission or, at the very least, just before a session.

10. Mr. RICUPERO (Secretary-General of the United Nations Conference on Trade and Development (UNCTAD)) said that two major phenomena must be taken into account in the discussion on the objectives and topics of the Social Forum, namely, the growing reaction to certain trends in globalization and the deterioration of the global economy.

11. The recent tragic events in Genoa and the growing protests against trade negotiations showed that those questions could no longer be dealt with by specialists and experts, but also concerned the "man in the street". They also showed that questions related to the structure and functioning of the economy, such as trade rules, structural adjustment or the response to financial crises, could no longer be treated in isolation from their impact on human rights and other moral values. In other words, such economic concepts as competition were not neutral and could not be considered superior to other values. They had to be defined and applied in relation to their foreseeable impact on the well-being and rights of the people concerned, particularly the most vulnerable members of society. That principle clearly placed limits on the freedom to solve economic problems on purely economic or technical grounds.

12. Economic realities such as the slowdown in growth of most of the major economies also had to be considered in discussions on the implementation of economic, social and cultural

rights. Consequently, once the Social Forum had become a reality, it would probably be found that not all the legitimate goals and aspirations were compatible simultaneously. Conflicts between economic and social values would probably lead to trade-offs and some economic efficiency gains would undoubtedly have to be foregone in order to respect more important human or moral values. It would be necessary to show caution, sobriety and realism and to be aware of the potential for conflict while trying to build a consensus around economic objectives compatible with human values.

13. At a more practical level, the most urgent issues to be taken up by the Social Forum needed to be identified. To do that, it might be useful to ask what concrete multilateral initiatives would be under way at the time when the Forum was due to be held. In fact, negotiations would be taking place in the World Trade Organization (WTO), partly in response to the expectations of the least developed countries and in an attempt to remedy the imbalances in the trading system. Also by then, the International Conference on the Financing of Development would have taken place in Monterrey and would have considered various trade and financial issues, including access by the poorest countries to financial markets and changes, desirable or otherwise, in the practices of the multilateral financial institutions. He therefore believed that, rather than trying to examine all the issues addressed in the various studies carried out within the framework of the Sub-Commission's work and rather than taking a general approach, the Social Forum should try to focus on work already under way in other bodies and to integrate a human rights dimension into them. For example, the Social Forum might consider whether the negotiations to address the aspirations of the least developed countries really were intended to make the preferential mechanisms proposed to those countries enforceable. It could also ensure that the discussions on the new financial architecture were not focused solely on the major developing countries or the emerging countries, but also took into consideration the 120 or so countries with no access to financial markets.

14. Lastly, he pointed out that, as one of the organizations called on to cooperate with the Social Forum, UNCTAD had undertaken a detailed analysis of certain trade and investment-related issues from a human rights standpoint so as to be able to contribute to the work of the Social Forum with concrete ideas on the compatibility of economic goals and human rights considerations.

15. Ms. JILANI (Special Representative of the Secretary-General on the situation of human rights defenders) said that the economic globalization model had been chosen without taking account of existing inequalities in development levels and the inequalities to which it gave rise between people in the social and economic fields. The model also had a direct effect on democracy, since, when a Government was unable to meet the needs of its people, disaffection with democracy and heightened tension between the State and civil society were the result. Moreover, globalization led to less transparency and forced Governments to take action without consulting civil society.

16. In that context, the Social Forum should not be content simply to ask questions, but should also determine whether it was possible to make specific changes in certain areas. For example, she was extremely concerned about the future of labour rights: in response to the constraints of globalization, new alliances were being forged between States, business circles and very powerful economic forces to devise ways to undermine those long-established rights. It

was, therefore easy to imagine how difficult it would be for a think tank like the Social Forum to improve the structure dealing with certain economic, social and cultural rights that were already giving rise to problems.

17. Other matters of concern were the failure to respect land rights, especially in South Asia, and the rise of militarism in entire regions of some countries, which had negative consequences for people's rights over their own resources and lands. It was also worrying that, when civil society became involved in certain issues, it was met with a disproportionate reaction. For example, questioning decisions that had an impact on the environment was sometimes treated as spying or challenging decisions that violated the right to employment was considered a threat to national security.

18. It was therefore important to realize that the Social Forum should not be just a think tank; it should also work closely with political decision-making bodies so that any strategies it defined had a chance of being put into practice.

19. The CHAIRPERSON gave the floor to Mr. Abi Saab, who had recently become a member of the Appellate Body of the WTO Dispute Settlement Body following a distinguished career as an academic and jurist. Mr. Abi Saab was a professor at the Graduate Institute of International Studies in Geneva, visiting professor at the Faculty of Law of New York University and a former judge of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda.

20. Mr. ABI SAAB (Appellate Body of the WTO Dispute Settlement Body) said that the problems in the social, economic and cultural fields were well known. Every year, a large number of reports were published, including the Human Development Report of the United Nations Development Programme (UNDP), the numerous UNCTAD reports and those by the thematic rapporteurs mentioned by Mr. Bengoa. The solution to the problems was also well known. What was missing was the strategy to bring about the desired change. Such a strategy was all the more difficult to devise as the forces at work, such as the global market or the international economy, were of an abstract nature: only their effects were felt. Moreover, whereas human rights concerned the individual, economic, social and cultural rights required a "macroscopic" approach, which had not yet been found.

21. The foregoing led to the question of collective rights, particularly the right to development. Without the community's right to development, how could the economic, social and cultural rights of the individuals who made up the community be realized? The right to development, which had originally been conceived as an argument to bring about the restructuring of the international environment, had become a sort of shield behind which one took refuge to ensure respect for human rights every time an activity was to be undertaken. That defensive approach could hardly be effective in a world steeped in a hyper-liberal ideology and characterized by deregulation. To advance the right to development, it was necessary, rather, to seek ways radically to restructure the international environment. The rich were more inclined to give to charity than to change the rules of the game; that was why they preferred to limit themselves to symbolic gestures. However, it was time to move on from that phase and reflect together on ways to restructure the global environment and delegitimize the aspects of the current international order that led to the aberrations witnessed all over the world.

22. The CHAIRPERSON gave the floor to Mr. Clapham, a professor at the Graduate Institute of International Studies in Geneva who had represented Amnesty International at the United Nations in New York and was currently an adviser in the Office of the United Nations High Commissioner for Human Rights.

23. Mr. CLAPHAM (Graduate Institute of International Studies in Geneva) said that he was struck by the complexity of the issues dealt with by the Sub-Commission. To address the issue of violations of social and economic rights in the contemporary world, it was necessary to consider multiple actors with multiple responsibilities. There had been some attempts in the debate to pin responsibility either on States, international institutions or transnational corporations. Such attempts had no place in a social forum, as the obligations depended on the context and were multiple, parallel and overlapping.

24. To illustrate his point, he took the example of a loan granted by an international institution to finance a project concerning health or education.

25. If the institution had international legal personality, it did of course have human rights obligations under customary international law. The Social Forum should provide a platform for dialogue on ways to ensure respect for human rights, including human rights impact assessments and greater participation by the individuals and groups affected by a project in its design and planning.

26. The States members of the organization making the loan also had international human rights obligations. In fact, the United Nations treaty bodies, including the Committee on Economic, Social and Cultural Rights, had already begun to highlight those obligations, as in the Committee's recommendations to the Belgian Government. However, the Social Forum also had a vital role to play. Since the persons presenting their Government's reports to the human rights bodies and those representing their country in the international financial institutions did not make the connection between their two tasks, the Social Forum could ensure that the persons dealing with loans in the international financial institutions took account of the expectation of the United Nations human rights bodies that the projects would be in conformity with human rights obligations.

27. Those responsible for carrying out the programme also had a set of obligations. Thus, the World Bank, for instance, would reject tenders from companies involved in corruption.

28. The obligations of the recipient State were quite clear, but, again, the Social Forum could play a role by acting as a forum for discussions on the pressures on, say, the health or education ministry when the ministry of foreign affairs or finance had little room for manoeuvre with regard to the terms of the loan. Moreover, the recipient State might also have other human rights obligations of which the other actors were unaware.

29. Generally speaking, all the actors - international organizations, member States, companies and non-governmental organizations - taking part in the projects had a duty not to be complicit in human rights violations. The concept of complicity was at the heart of the human rights obligations of companies, as pointed out in both the Sub-Commission's draft guidelines and the United Nations Global Compact.

30. In studying that concept with the Office of the High Commissioner for Human Rights to understand its limits, he had been astonished to find that what mattered in that complex system was not the obligations in the strict legal sense, but rather the expectations. Thus, a company was suspected of complicity in human rights abuses if it had not done what was expected of it in a given context. Companies were expected to act - perhaps even to exceed their legal obligations - to support human rights, possibly using their influence to put a stop to violations committed by Governments or armed political groups in the countries in which they operated. He cited a recent initiative that illustrated that trend. The Financial Times Stock Exchange had published a list of "socially responsible" companies or companies that met the following ethical criteria of the "FTSE4Good" initiative: to be working towards environmental sustainability, developing good relationships with the company's various stakeholders and observing human rights.

31. He was confident that the Social Forum could help analyse those expectations and achieve a better understanding of the complexity of the systems involved in the realization of economic and social rights. With a little luck, perhaps the Social Forum would help produce the sort of spontaneous reaction that would lead the various actors to establish the absolutely vital connections between them.

32. Mr. YOKOTA drew attention to the discussion in the Sub-Commission when the report on globalization and its impact on the full enjoyment of human rights had been introduced. It had been pointed out at the time that, in many cases, the States receiving a loan from the multilateral financial organizations had no choice but to accept the conditions imposed on them. Who, then, was responsible when a State was forced to accept conditions that prevented it from fulfilling other human rights obligations? Was the multilateral organization or the State responsible for that state of affairs? He would like to hear Mr. Clapham's views on that subject.

33. Moreover, during the same discussion, it had been asked whether the international financial organizations should also promote human rights, in the way that UNDP did, for example. What was Mr. Clapham's view on that?

34. Mr. GUISSÉ said that, in a forum worthy of the name, all viewpoints should be represented, but Africans were not represented in the discussion. The people who had the harshest realities to face must have a voice. He did not think that Mr. Abi Saab's views were shared by Africans.

35. Mr. EIDE said that the inconsistencies of globalization in its present form had been very well described by the speakers. Globalization exacerbated inequalities, tension and the militarization of societies so that, even from a strictly economic viewpoint, the results achieved were contrary to the actual objectives of globalization. For that reason, he would like to know whether Mr. Ricupero saw any development in the thinking of the multilateral organizations such as WTO or the International Monetary Fund (IMF) on that issue.

36. The CHAIRPERSON, replying to Mr. Guissé's comment, said that he had invited a representative of Africa, but that the person concerned had been unable to attend the discussion.

37. Mr. PREWARE, referring to Ms. Jilani's statement, said that he would like to know how the international community should react when States, citing reasons of internal security, resorted to armed force to crack down on every sign of opposition by the population.

38. Mr. Abi Saab had rightly pointed out that the rich did not mind making some concessions to keep a clear conscience and, above all, to avoid chaos, but they were not really prepared to change the system. In fact, it was the people demonstrating in the street who made the public aware that the system was unjust. He would therefore be interested to know whether Mr. Abi Saab defended the demonstrators' behaviour.

39. Mr. SORABJEE said that the recipient States were required to fulfil their obligations and assume their responsibilities; the question was which body was responsible for ensuring they did so. Was it in the Social Forum that institutions like the World Bank and IMF would conclude that States had honoured their commitments? Should an international ombudsman be set up? Were the financial institutions themselves responsible?

40. He was convinced that there were such things as universal values, but he thought that, in some areas, the financial institutions' policies were incompatible with respect for those values. He wondered whether there was any kind of consultation on that issue between recipient States and the international financial institutions.

41. Mr. FAN Guoxiang, referring to economic, social and cultural rights and their relationship with globalization, said he would like to know whether the experts thought priority should be given to human rights or to the promotion of economic development. The economic organizations had their own rules and, when those rules were not followed, it was difficult to make economic progress or improve living conditions. However, if human rights were not respected, economic development made no sense.

42. Mr. OLOKA-ONYANGO said that he wondered whether Mr. Clapham had any ideas on how to involve representatives of subregional institutions like the Association of South-East Asian Nations (ASEAN) in the Social Forum. Such institutions, which had direct links with countries, were not usually involved in discussions of that kind.

43. Following up on what Mr. Clapham and Ms. Jilani had said, he drew attention to the serious imbalance with regard to participation by civil society. He wondered how actors from civil society could be given a greater role, particularly in respect of violations of land rights and labour rights.

44. Mr. KOTHARI (Special Rapporteur on adequate housing) drew attention to his report to the Commission on Human Rights on adequate housing (E/CN.4/2001/51). He stressed the need in that regard to study the links between, on the one hand, the right to drinking water and the rights of indigenous peoples and their relationship to the land and, on the other, the right to adequate housing. The growing tendency to privatize land led to the marginalization of impoverished sectors, as shown by forcible evictions, discrimination, segregation and the fact that women's right to land was not respected. It was unlikely that those policies would change, given the reluctance of the international financial organizations to abandon their macroeconomic approach in favour of the realization of economic, social and cultural rights.

45. It was essential that the Social Forum should help change the international policies that led to such marginalization. In that respect, the emphasis should be on the collective work of the special rapporteurs and the United Nations treaty bodies. Joint meetings like the one on the impact of globalization on human rights held within the framework of the Commission on Human Rights in 2001 or the one that had brought together several rapporteurs, the Committee on Economic, Social and Cultural Rights and the International NGO Committee on Human Rights in Trade and Investment (INCHRITI) had led to the conclusion that all the mechanisms concerned could address a number of issues of interest to them all, especially issues such as the right to drinking water, the reduction of poverty and international cooperation. There was already a set of obligations in that area enshrined in international human rights instruments, but those obligations, which affected debt and structural adjustment policies in particular, were not taken seriously into consideration. There should be greater emphasis on solidarity and social justice. Care must also be taken to ensure that action by developed countries did not impede developing countries' ability to implement their commitments under those instruments. The Social Forum should also take into account the implications of such multilateral agreements as the General Agreement on Trade in Services (GATS) and the WTO agreements on trade-related aspects of intellectual property rights (TRIPS) and agriculture, as well as regional instruments such as the North American Free Trade Agreement (NAFTA) and the Free Trade Area of the Americas (FTAA). Lastly, it should take account of the important role of civil society, which was interested in models other than that of the globalized economy. In particular, it should try to strike up a dialogue with the forthcoming World Social Forum, to be held in Porto Alegre in February 2002.

46. Mr. HUNT (Rapporteur of the Committee on Economic, Social and Cultural Rights) said that the Committee on Economic, Social and Cultural Rights attached great importance to the Social Forum, the role of which should be to complement initiatives taken in other settings.

47. He recalled that the Committee's role was to establish a constructive dialogue with States parties, including within the framework of its concluding observations on their reports. The concluding observations always consisted of three elements: first, the Committee would welcome the positive initiatives, such as measures to reduce poverty, taken by the State party whose report was under consideration; second, the Committee would express concern at the gaps in the implementation of economic, social and cultural rights, such as unequal access to education for girls; and, lastly, the Committee would recommend measures to strengthen the implementation of those rights.

48. Another aspect of the Committee's work was the clarification and interpretation of the provisions of the International Covenant on Economic, Social and Cultural Rights, which it provided in its general comments and in its statements. The Committee's other role was to encourage dialogue with the specialized agencies.

49. As the eradication of poverty was currently the overriding objective of the United Nations, the role of the Social Forum could be to help identify best practices in that area, since such practices existed, but received no media coverage. By drawing attention to that subject, the Social Forum could inject a positive note into the debate on it and avoid the polarization that so often characterized such debate.

50. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) welcomed the wealth of contributions to the debate. It seemed to her that three fundamental strands were beginning to emerge clearly. One was that participation in the discussions at the Social Forum should be truly representative, but without duplicating the work of other bodies. Another was that all those involved must unite behind a common objective; in her view, that objective should be the reduction of extreme poverty from a human rights perspective. Lastly, the Social Forum could set itself the task of identifying new issues in that area.

51. By "truly representative" participation, she meant participation by those who generally had no opportunity to be heard. The Social Forum should therefore find innovative ways to involve representatives of vulnerable groups, without ruling out the use of new technologies. The World Bank had some interesting experience in that area.

52. The Social Forum should also establish links between United Nations human rights activities and the forthcoming major international conferences, such as the International Conference on the Financing of Development, to be held in Monterrey, Mexico, in March 2002.

53. Lastly, the Social Forum should draw inspiration from the Millennium Declaration, in which the commitment was undertaken to give greater opportunities to the private sector, non-governmental organizations and civil society in general to contribute to the realization of the Organization's goals and programmes.

54. She took an extremely close interest in the Forum; the United Nations needed such a new meeting place for experts and the representatives of various institutions. She hoped that the current meeting would culminate in a working paper which would provide a starting point for the Social Forum when it met the following year.

55. Mr. SFEIR-YOUNIS (Special Representative of the World Bank) said that the Social Forum should become a unique platform where marginalized groups which were never given the chance to speak could have their voices heard. However, it was not clear what would make the Forum unique. To answer that question, the role of the Social Forum would have to be clearly defined in relation to the role of other institutions such as the Economic and Social Council and the Third Committee of the United Nations General Assembly. The answer depended basically on the approach selected by the Forum. In his view, the point of departure of the Social Forum should be the body of human rights instruments and practices, whereas, in other parts of the United Nations system, the realization of human rights took second place to other goals such as sustainable development, economic growth, globalization, governance and so on.

56. On the extremely complex and many-sided question of human rights and income distribution, the Social Forum should pose the problem not only in terms of legislation and regulation, but also in the wider context of human rights, equity and social justice. It should therefore go beyond purely economic concerns and focus on the social, institutional, cultural and political aspects or, in other words, take into account a large number of non-material dimensions contributing to unequal income distribution in most societies. An example of those non-material dimensions was the way societies assigned rights over productive assets or the way public goods were managed at the national and at the global levels. In that respect, as the Secretariat had

rightly suggested, the Social Forum should demonstrate great analytical rigour, which was particularly crucial as the issues it would be called on to examine were also being dealt with by other institutions.

57. In reply to the question he had been asked to answer on the uniqueness of the Social Forum, he said it was vital that the Social Forum should take a forward-looking approach to social policy-making. In other words, the Forum should avoid at all costs becoming an institutional body of the past.

58. He had a number of suggestions to make in that regard. The Social Forum should be a pluralistic and transparent body and should tackle the issues in a pragmatic, non-dogmatic way. It should be the body within which the social issues discussed at the global level from a political economist's viewpoint were analysed in all their complexity. In addition, it was very important that the analysis carried out by the Social Forum should have a fundamental impact on value systems, since the human dimension must be at the root of those systems. The Social Forum should also cover many of the debates taking place within the international community. In particular, it should cover the debate on international development goals. It was in that context that the Social Forum should see itself, rather than in the creation of a parallel structure. There was not the slightest doubt that the Millennium Declaration should be at the centre of the discussions in the Social Forum.

59. The Social Forum should be inclusive rather than exclusive, meaning that it should involve all groups in its discussions, including representatives of business as well as of minorities or indigenous peoples, to give but a few examples.

60. The Social Forum should become the most effective mechanism for creating new institutional and political spaces where the complex social issues facing countries - especially the issue of governance - would be addressed. It was known, for example, that, in matters of governance, the current structures were unsatisfactory, but the problem had not been analysed in depth. In other words, the Social Forum should become the cradle of a global social policy.

61. Lastly, the Social Forum should not be restricted to the legal and regulatory framework, including in the field of human rights. Development experience showed that such a framework was not sufficient and that some of the dimensions that tended to be ignored in the debate, such as economic and financial aspects, must be included.

62. He had been asked to suggest which two major issues should be given priority by the Social Forum in its future discussions. In his opinion, the first was the link between human rights and wealth creation and the social options available to attain goals in the area of equity and human rights. The second issue was the non-material dimensions of social policy, an issue that was too often ignored in the discussions.

63. In conclusion, what mankind needed at the moment was a new social architecture to complement the financial architecture and the development architecture. The quality of the Social Forum was directly related to the style it adopted at the start. If it limited itself to generalities, it would produce only generalities.

64. The actual discussions should focus on institutions; otherwise, they would remain abstract. The question of process was also very important, given the limitations that were bound to be encountered when trying to reach a consensus. The political economy of human rights played a fundamental role in that context.

65. Given the shortage of resources, economic issues should be at the heart of the discussions in the Social Forum. That did not mean that the economy had to dictate the final decisions, but that the goal should be the efficient allocation of resources. After all, one of the keys to progress in the area of social policy was the explicit recognition of the role of value systems and beliefs. Human rights should be the reference point for value systems.

66. Mr. SWEPSTON (International Labour Organization (ILO)) said that the ILO intended to be a proactive and steadfast partner in the Social Forum, which would provide an opportunity for bringing together widely varying points of view on the complex phenomenon of globalization, taking human rights as the reference point. As the High Commissioner had stressed, duplication must be avoided in the work of the Social Forum.

67. An ILO Governing Body working party was carrying out an in-depth analysis of the social dimension of globalization in the field of work. A major report on the issue would be produced in 2003, in which reference would be made to the experience of several other organizations, including the World Bank, IMF and WTO. The process of consulting with multilateral institutions, which would be pursued, could provide information and ideas of interest to the Social Forum. The Forum would have the advantage of not being tied to one part of the overall picture - unlike the ILO, which was interested only in certain rights and certain victims - and could take advantage of the monitoring activities carried out by the entire United Nations system and by others, to draw conclusions at the social level. Moreover, it would be able to help promote the implementation not only of the International Covenant on Economic, Social and Cultural Rights, but also of other important treaties. The Social Forum should also study the relationship between human rights and development by opening up discussions to actors from outside the United Nations system who were providing development aid so as to understand their reasoning and study the rules they applied.

68. Ms. FEENEY GRYLLS (Oxfam) said it would be dangerous if the Governments of the rich countries did not take into consideration the sense of frustration expressed in the anti-globalization protests. The Social Forum could provide an opportunity to analyse in depth the complex labyrinth of responsibilities, the consequences of the transfer of State powers to private companies, in terms of the victims' right to demand reparation, and the lack of transparency in trade and financial agreements signed without civil society having any say in those transactions.

69. She would like the Social Forum to study the problem of the incompatibility of the technical, economic and financial advice given by the international financial institutions with fundamental human rights standards and to consider preparing guidelines on recommended practices in that area. In particular, the activities of transnational corporations must be more strictly controlled so that the "losers" in globalization were not beholden to occasional philanthropic gestures. It would also be a good idea if the Social Forum were to pay attention to trade and investment agreements and look into the possibility of establishing safeguards in order

to correct the imbalance resulting from the priority given to foreign investors, especially with regard to intellectual property rights. The worrying question of the proliferation of new regional investment regimes, raised by Mr. Oloka-Onyango, should also be considered.

70. If the Social Forum was to avoid becoming a talking shop of no practical use, it would have to be open to civil society. Virtual conferences were no solution, as they left too many people on the sidelines, particularly those from African countries. It would therefore be a good idea for the Social Forum to go and meet people in the field and to take part in the major meetings held around the world, such as the next WTO ministerial meeting in Doha. It would also be a good idea for the Social Forum to review best practices in poverty reduction programmes.

71. Mr. CLAPHAM (Graduate Institute of International Studies in Geneva) said that, with regard to the participation of civil society in the Social Forum, he agreed with the representative of Oxfam that the Forum should be mobile. In particular, it should be present at regional and global meetings and in the regional United Nations offices and should be involved in the regional strategies of the High Commissioner for Human Rights. The Forum should also avoid focusing on the economic actors who were usually put in the dock and should instead focus on others who, though less well known, were also very influential.

72. Replying to the questions on the respective obligations of international organizations and recipient States, he said that States had human rights obligations and international organizations had to ensure that their activities were not going to prevent a recipient State from complying with the human rights treaties to which it had acceded. Even though they were not bound by human rights treaties, international organizations were responsible for unlawful acts committed by recipient States.

73. As for the question of whether multilateral institutions had an obligation to promote human rights, it was difficult to determine the scope of that obligation. The Social Forum would be able to answer that question only by analysing what the anti-globalization protesters expected of the multilateral actors, not by producing a legal framework. It was therefore important to ensure that the meetings of the Social Forum were open to as wide a range of participants as possible.

74. Mrs. WARZAZI said that the experts on the Sub-Commission who were from Africa made it their job to defend the interests of the peoples of that part of the world, who were often not taken sufficiently into consideration. She was therefore glad that Mr. Bengoa's initiative was becoming a reality, as the Social Forum would be an opportunity to give those peoples all the attention they deserved. Moreover, given the importance of the discussions, she would like a detailed summary record to be prepared and circulated to the Sub-Commission before the end of the session.

75. Mr. ABI SAAB (Appellate Body of the WTO Dispute Settlement Body), replying to Mr. Preware, said that the strategy of the rich to respond to the needs of the poorest with symbolic gestures could certainly not be used as an alibi for evading discussion on the functioning of the system in general. He certainly did not condemn the protests of the anti-globalization movement, as they had made people stop and think. Moreover, he found it

very encouraging to see citizens from the developed countries rally round a cause. Through them, the voice of others, especially people in the developing countries, had been heard.

76. With regard to the Social Forum, it was important to encourage non-State actors - transnational corporations and multilateral organizations - which were the driving force of economic activity, to engage in dialogue, so that they would become more aware of the importance of human rights and realize that, if they did not act responsibly, their activities would lose all legitimacy. With regard to budgetary policy, responsibility was not a question of governmental actors versus non-State actors, as that policy was still largely determined by the authorities. The Social Forum could help define responsibilities in that connection.

77. He agreed with the representative of Oxfam that the Social Forum should be results-oriented and should be open to people whose voice was not usually heard. It should not be satisfied just to define objectives, but should devise a transitional strategy to achieve them.

78. Ms. JILANI (Special Representative of the Secretary-General on the situation of human rights defenders) said that globalization gave rise to glaring inconsistencies. In fact, it could be seen that, while globalization was reducing the influence of States, the latter were still held responsible for the impact of the policies they were asked to implement. The multilateral institutions could not fail to see that contradiction.

79. As for the participation of civil society, she acknowledged that some of the doors behind which decisions were taken were closed, and that was why the Social Forum must not be content simply to identify problems, but must engage with the multilateral institutions. Those institutions were able to act as they did only because they found themselves in a favourable environment created by the States themselves. Control was theoretically possible, but States did not exercise it.

80. With regard to the "national security" argument used by some Governments to justify the crackdown on all forms of opposition, she recalled that article 22, paragraph 2, of the International Covenant on Civil and Political Rights allowed no restrictions on the right to freedom of association other than those necessary in a democratic society, while the Declaration on Human Rights Defenders did not even provide for reasons of national security or public safety to be invoked. Thus, anything that hindered the democratic functioning of a society was incompatible with respect for human rights.

81. Mr. RICUPERO (Secretary-General of UNCTAD) said he was in full agreement with the High Commissioner for Human Rights that the Social Forum should give those with no say in economic and financial decision-making an opportunity to speak out. Several of the questions put to him implied that the multilateral institutions were autonomous, but that was not the case: they were controlled by their member States and the decision-making process could differ considerably from one institution to another. Two thirds of the decision-making power in the economic and financial institutions was in the hands of the industrialized States. Consequently, greater participation by the developing countries in decision-making would require changes to the rules of procedure. In that respect, the Social Forum should seize the chance, when concrete

opportunities arose in the future, to discuss the rules on globalization. In addition, the Social Forum, through its involvement with the multilateral institutions, would be in a position to influence the way globalization evolved.

82. Mr. BENGOA welcomed the stimulating clash of ideas and views during the meeting and observed that the Social Forum raised high expectations that would be difficult to live up to. In any event, the procedure for considering issues would be extremely important. He proposed that a small group should meet informally before the end of the session to submit specific proposals for subjects that could become the main topics of the Social Forum.

83. The CHAIRPERSON thanked all the participants for their support and the experts invited to take part in the discussion for their contributions. He hoped that the cooperation with the multilateral institutions would be carried on.

The meeting rose at 6 p.m.